

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 7	Number 5	Effective Date 01/31/11	Review Date 2014
Subject EXECUTING ARREST WARRANTS AND SUBPOENAING WITNESSES			☐ New Order ☒ Replaces G.O. 7-5 (06/02/06)
References CALEA 74.1.1a, 74.1.1b, 74.1.1c, 74.1.1d, 74.1.1e, 74.1.1f, 74.1.1g, 74.1.1h, 74.1.1i, 74.1.2, 74.3.1 and 74.3.2 VLEPSC ADM.02.02g, ADM.25.01f and OPR.12.03, OPR.12.02f, OPR.12.02i OPR.12.02j, OPR.12.02k, OPR.12.04, OPR.12.05i VA Code 19.2-76, 19.2-81, 19.2-267.1 and 46.2-939			
 _____ Chief of Police or Designee		01/31/11 _____ Date	

I. PURPOSE

The purpose of this **directive** is to establish the guidelines for executing arrest warrants and subpoenaing witnesses in General District and Circuit Court cases.

II. POLICY

Officers may execute arrest warrants and cause witnesses to be subpoenaed to court as allowed by law. Only sworn police officers shall execute arrest warrants.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE**A. Execution of Arrest Warrants:**

An arrest warrant commands a police officer to locate and arrest the person named in the warrant. The following procedure shall be employed when executing arrest warrants.

1. Execution of Warrants in the Field:

- a) Officers executing an arrest warrant in the field shall:
 - (1) Place a check in the appropriate box on the warrant indicating the type of service i.e., executed by arresting the accused named above on this day OR executed by summoning the accused named above on this day OR for legal entities other than individuals, service pursuant to VA Code §19.2-76;
 - (2) Indicate the service date and time in the spaces provided on the warrant;
 - (3) Sign the warrant and put his/her code number, agency (RPD) and jurisdiction (120) next to his/her signature;
 - (4) Indicate the sheriff's name in the appropriate location above his/her title; and,
 - (5) ***Write in the court docket date on a releasable warrant and indicate the date of issuance/assignment. The date service is due is tracked in the PISTOL database as the expiration date.***
- b) For warrants where the executing officer is the complainant, a "Request for Witness Subpoena" form (PD-7) shall be utilized to subpoena witnesses.
- c) For warrants where the executing officer releases the arrestee on a summons, the court name shall be indicated as follows:
 - ***RGDC*** – (Richmond ***Criminal*** General District)
 - ***RMDC*** - (Richmond ***Manchester*** General District Criminal Court)
 - JUV-CT (Juvenile and Domestic Relations Court)
 - Traffic-I (Richmond General District Traffic Court – North of the James)
 - Traffic-II (Richmond General District Traffic Court – South of the James)
- d) The executing officer will provide a copy of the arrest warrant to the arrestee as well as a copy of the Virginia Uniform Summons, if applicable.

2. Use of the Append Notes on an Attempted Warrant Service:

- a) To capture vital information on any attempted warrant service, both civil and criminal, officers equipped with MDCs will append the call when the attempted warrant service is not successful. In the notes field, the assigned officer will indicate the name of the party to whom service was attempted and the reason for non-service. Other information such as location, date

and time as well as the ***name of the*** officer attempting service, will automatically be captured electronically by the CAD System.

- b) Only officers, who do not have access to an MDC, will request radio ***dispatch*** to append the call with the name of the party to whom service was attempted, if not previously captured in the original call and the reason for the non-service.

3. Execution of Warrants at Headquarters:

- a) If at least two or more police officers are working at the ***Warrant and Information Services Unit*** (Information Desk) and an individual walks in to turn him/herself in, one of the available officers shall execute the warrant on the individual ***if it is deemed releasable***.
- b) In those cases where only one officer is working the Information Desk and an individual walks in to turn him/herself in, that officer may either execute the ***releasable*** warrant or call another officer in from the street to execute the warrant, if he/she is too busy to handle the matter. Nothing in this policy shall prohibit the execution of the warrant by any other police officer that might already be at Headquarters.
- c) Under no circumstances will an officer be called in from the street to execute a warrant in the Detention Section at the Richmond Lock-Up or the City Jail.
- d) ***During normal business hours, 8:00 a.m. – 6:00 p.m., the Sheriff's Office shall be notified to execute non-releasable warrants on all wanted persons turning themselves in at Police Headquarters.***

B. Information Required on the Wanted Person File Maintenance Form:

- 1. Upon the execution of an existing warrant on file at the ***Information Desk***, officers will record the information requested on the bottom portion of the Wanted Person File Maintenance Form. This information will be completed upon the execution or attempted execution of an existing warrant. If the warrant is removed from the Warrant and Information Unit's files and taken into the field. The required information is as follows:
 - a) Date served;
 - b) Executed by;
 - c) Released on a summons (circle one) Y N;
 - d) Date and time assigned/attempted service (if applicable); and,
 - e) Reason for non-service, if applicable.

- a) Department members may use the Virginia Uniform Summons to subpoena witnesses. Officers shall write the word "WITNESS" in the space marked "Describe Charge" along with the suspect/defendant's name and offense.
- b) The officer may request the trial court to issue a subpoena pursuant to the PD-7 form.
- c) The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.
- d) Whenever a suspect/defendant is released on a summons for court and the officer issues a subpoena using the Virginia Uniform Summons for a victim/witness, the officer shall:
 - (1) On the witness' summons, write the word "Witness" in the space marked "Describe Charge", along with the suspect/defendant's name and offense.
 - (2) Attach the victim/witness summons along with the suspect/defendant's Virginia Uniform Summons and CCRE, and forward all of the related court papers to the court of venue.

3. General District Misdemeanor Traffic Cases:

- a) VA Code §46.2-939 gives police officers the right to subpoena witnesses at the scene of motor vehicle accidents to appear in court and testify with respect to any criminal charge brought against any person, as a result of the accident. A subpoena so issued shall have the same force and effect as if it was issued by the court.
- b) Any person failing to appear in response to a subpoena *so* issued as provided in this section, shall be punished as provided by law.
- c) Officers shall use the Virginia Uniform Summons to subpoena witnesses. In the space marked "Describe Charge", the officer shall write the word "Witness" along with the name of suspect/defendant and the offense.
- d) The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.

4. Circuit Court Cases:

All requests for summoning witnesses to the Circuit Court shall be made directly to the Commonwealth's Attorney's Office. Officers shall compile a "Court Conflict Dates" form, (PD-67) to establish conflict dates, i.e. days off, vacation, etc. and forward it to the Commonwealth's Attorney's office immediately after the case is certified in General District Court.

D. Executing Court Witness Subpoenas:

1. A court witness subpoena commands a police officer to locate and serve the subpoena on the individual named for appearance in a designated court on the date and time specified.
2. Court witness subpoenas that are served by Department members will be given personal service only.
3. To authenticate a court witness subpoena for service, the officers shall insert the date, month, year of service, sign his/her name and their write code number in the spaces provided.
4. The individual, upon whom a court witness subpoena is served, shall be given his/her copy of the subpoena.
5. ***The top copy of the subpoena shall be returned to the court of venue by the assigned Warrant and Information Services Unit personnel.***

- E. All releasable warrants and criminal summonses MUST be returned to ***the Information Desk*** and logged into the court registry book by the officer who served the warrant.

V. **FORMS**

- A. ***PD-7, Request for Witness Subpoena***
- B. ***PD-67, Court Conflict Dates and Witness List***
- C. ***Wanted Person File Maintenance Form***